

**TEMPORARY
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUN 10 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 20 1954 under 13032

The applicant **Cain Family Trust** hereby makes application for permission to change the **point of diversion** of water heretofore appropriated under **Permit 13032 Certificate 4259**

1. The source of water is **underground**
2. The amount of water to be changed **4.80 cfs**
3. The water to be used for **irrigation**
4. The water heretofore permitted for **irrigation**
5. The water is to be diverted at the following point **within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T.39N., R.39E., MDB&M or at a point from which the S $\frac{1}{4}$ corner of Section 14, T.39N., R.39E., MDB&M bears S 81°07' W 3,240.0 feet.**
6. The existing permitted point of diversion is located within **the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T.39N., R.39E., MDB&M or at a point from which the S $\frac{1}{4}$ corner of said Section 14 bears S 45° E 70.00 feet.**
7. Proposed place of use **unchanged**
8. Existing place of use **72 acres in the NW $\frac{1}{4}$, 18 acres in the SW $\frac{1}{4}$, 136 acres in the NE $\frac{1}{4}$, and 132 acres in the SE $\frac{1}{4}$ of Section 23, T.39N., R.39E., MDB&M**
9. Use will be from **March 15 to September 30** of each year.
10. Use was permitted from **March 15 to September 30** of each year.
11. Description of proposed works **drilled well, ditch, and pipeline irrigation system**
12. Estimated cost of works **in excess of \$30,000**
13. Estimated time required to construct works **1 year**
14. Estimated time required to complete the application of water to beneficial use **N/A**
15. Remarks: **The existing well under Permit 13032 is unable to produce water in sufficient quantity. Applicant was issued Temporary Permit 66259-T and drilled a well under that permit. Applicant has been unable to provide power to the well because of a property dispute.**

Applicant wishes to file for a temporary permit for the well until such time as the power/property dispute is settled.

Desert Mountain Surveying as agent
By John H. Milton III, PLS, SWRS
s/John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared sg/ cmf 1b/

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the Point of Diversion of the waters of an underground source as heretofore granted under Permit 13032, Certificate 4259 is issued subject to the terms and conditions imposed in said Permit 13032, Certificate 4259 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the right of ingress and egress on public, private or corporate land.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

This permit is totally supplemental to Permits 12299 and 13557 and partially supplemental to Little Humboldt River Proofs 0652D and 0673 for a total combined duty of 3.6 acre-feet per acre.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire **September 16, 2003** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.8 cubic feet per second, and not to exceed a seasonal duty of 3.6 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

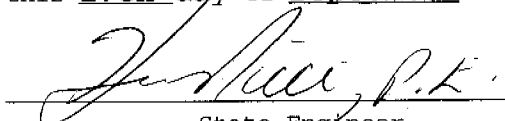
Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 17th day of September A.D. 2002


State Engineer

EXPIRED
SEP 16 2003
DATE SEP 16 2003 